

AMENDED IN SENATE MARCH 1, 2005

SENATE BILL

No. 42

Introduced by Senator Florez

December 21, 2004

~~An act to amend Sections 6025.2, 6025.5, 6026, 6026.5, 6027, 6028, and 6029 of, and to add Sections 6025.3 and 6027.1 to the Penal Code relating to vertebrate pests, and making an appropriation therefor. An act to add Section 12012.6 to the Government Code, relating to tribal-state gaming.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 42, as amended, Florez. ~~Vertebrate pest control research Tribal-state gaming compacts: ratification.~~

The federal Indian Gaming Regulatory Act of 1988 provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain gaming activities on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts subject to ratification by the Legislature, and existing California law expressly ratifies specified compacts.

This bill would require each tribal-state gaming compact entered into between the State of California and a federally recognized Indian tribe to be ratified by the Legislature in a separate statute.

~~Existing law, which is to be repealed on January 1, 2006, requires the Secretary of Food and Agriculture to establish and administer a research program and advisory committee to control vertebrate pests that pose a significant threat to the welfare of the state's agricultural economy and the public. Existing law requires county agricultural commissioner to pay an assessment on the vertebrate pest material sold, distributed, or applied by the county for vertebrate pest control purposes. Existing law also establishes the Vertebrate Pest Control~~

~~Research Account in the Department of Food and Agriculture Fund and continuously appropriates the money in the account to the secretary for purposes of the program.~~

~~This bill would provide that these provisions would remain in effect until January 1, 2016, thereby imposing a state-mandated local program, and making an appropriation by continuing in effect a continuously appropriated fund. This bill would expand the purposes of the research program to address vertebrate pests which pose a significant risk to the state's infrastructure. This bill would define research for purposes of these provisions to include both basic and applied research, as specified. This bill would also restrict expenditure of funds from the Vertebrate Pest Control Research Account, as specified.~~

~~Existing law provides that the Vertebrate Pest Control Research Advisory Committee shall consist of 11 representatives appointed by the secretary including one representative of the county agricultural commissioners.~~

~~This bill would instead provide for a representative of the California Agricultural Commissioners and Sealers Association be appointed to the committee. This bill would make other conforming changes.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: *yes-no*. Fiscal committee: *yes-no*. State-mandated local program: *yes-no*.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 6025.2 of the Food and Agricultural~~
- 2 ~~Code is amended to read:~~
- 3 *SECTION 1. Section 12012.6 is added to the Government*
- 4 *Code, to read:*

1 12012.6. *Each tribal-state gaming compact entered into*
2 *between the State of California and a federally recognized Indian*
3 *tribe shall be ratified by the Legislature in a separate statute.*

4 ~~6025.2. For purposes of this article, “vertebrate pest” means~~
5 ~~any specie of mammal, bird, reptile, amphibian, or fish that~~
6 ~~causes damage to agricultural, natural, or industrial resources, or~~
7 ~~to any other resource, and to the public health or safety.~~

8 ~~SEC. 2. Section 6025.3 is added to the Food and Agricultural~~
9 ~~Code, to read:~~

10 ~~6025.3. For purposes of this article, “research” means basic~~
11 ~~and applied research. Basic research is experimental or~~
12 ~~theoretical work undertaken primarily to acquire new knowledge~~
13 ~~of the underlying foundation of phenomena and observable facts,~~
14 ~~without any particular application or use in view. Applied~~
15 ~~research is also original investigation undertaken in order to~~
16 ~~acquire new knowledge, but it is conducted to solve practical~~
17 ~~problems or objectives.~~

18 ~~SEC. 3. Section 6025.5 of the Food and Agricultural Code is~~
19 ~~amended to read:~~

20 ~~6025.5. (a) The secretary shall establish and administer a~~
21 ~~research program to control vertebrate pests which pose a~~
22 ~~significant threat to the welfare of the state’s agricultural~~
23 ~~economy, infrastructure, and the public.~~

24 ~~(b) The specific purposes of the program include all of the~~
25 ~~following:~~

26 ~~(1) The investigation of effective and economical alternative~~
27 ~~materials for the control of vertebrate pests.~~

28 ~~(2) The solicitation and consideration of research proposals for~~
29 ~~alternative humane methods of control.~~

30 ~~(3) The continuation of current vertebrate pest control product~~
31 ~~registration at the state level until alternative products are~~
32 ~~developed which prove to be effective and economical.~~

33 ~~(4) The funding of research for the development of scientific~~
34 ~~data to fulfill registration requirements.~~

35 ~~(5) Cooperation with the United States Department of~~
36 ~~Agriculture in funding research programs to maintain, develop,~~
37 ~~and register vertebrate pest control materials used in this state.~~

38 ~~SEC. 4. Section 6026 of the Food and Agricultural Code is~~
39 ~~amended to read:~~

~~6026. The secretary shall establish the Vertebrate Pest Control Research Advisory Committee consisting of the following members, appointed by the secretary, to serve at the pleasure of the director:~~

~~(a) One representative of the department.~~

~~(b) One representative of the California Agricultural Commissioner and Sealers Association.~~

~~(c) Five representatives of the agricultural industry representing affected commodities.~~

~~(d) One representative of the University of California.~~

~~(e) One representative of the California State University.~~

~~(f) One representative of the State Department of Health Services.~~

~~(g) One representative of the general public, with consideration given to a person with expertise in animal welfare.~~

~~SEC. 5. Section 6026.5 of the Food and Agricultural Code is amended to read:~~

~~6026.5. On or before December 31 of each year, the committee shall recommend to the secretary priorities for conducting various vertebrate pest control research projects and the amount of the assessment necessary to carry out those research projects.~~

~~SEC. 6. Section 6027 of the Food and Agricultural Code is amended to read:~~

~~6027. There is hereby created the Vertebrate Pest Control Research Account in the Department of Food and Agriculture Fund. Notwithstanding Section 13340 of the Government Code, the money in the account is continuously appropriated to the secretary for purposes of carrying out this article. Notwithstanding any other provision of law, the moneys in the account shall not be transferred to any other fund or encumbered or expended for any purpose other than as provided in this article.~~

~~SEC. 7. Section 6027.1 is added to the Food and Agricultural Code, to read:~~

~~6027.1. Expenditure of funds pursuant to this article shall be limited to the following:~~

~~(a) Reasonable administrative and operational expenses of the committee and the department, subject to the recommendation of an annual budget by the committee and approval by the secretary.~~

1 ~~(b) Federal and state regulatory fees for the continued~~
2 ~~registration of vertebrate pest control materials and the~~
3 ~~registration of new materials.~~

4 ~~(e) Basic and applied research as described in Section 6025.3.~~

5 ~~(d) Educational outreach on the subject of vertebrate pest~~
6 ~~control methods.~~

7 ~~SEC. 8. Section 6028 of the Food and Agricultural Code is~~
8 ~~amended to read:~~

9 ~~6028. The assessment payments required pursuant to Section~~
10 ~~6027.5, together with a report of the amount of vertebrate pest~~
11 ~~control materials sold, distributed, or applied during the previous~~
12 ~~six-month period, shall be made biannually by each~~
13 ~~commissioner to the secretary within one calendar month after~~
14 ~~June 30 and December 31 of each year.~~

15 ~~SEC. 9. Section 6029 of the Food and Agricultural Code is~~
16 ~~amended to read:~~

17 ~~6029. This article shall remain in effect only until January 1,~~
18 ~~2016, and as of that date is repealed, unless a later enacted~~
19 ~~statute, which is enacted before January 1, 2016, deletes or~~
20 ~~extends that date.~~

21 ~~SEC. 10. If the Commission on State Mandates determines~~
22 ~~that this act contains costs mandated by the state, reimbursement~~
23 ~~to local agencies and school districts for those costs shall be~~
24 ~~made pursuant to Part 7 (commencing with Section 17500) of~~
25 ~~Division 4 of Title 2 of the Government Code.~~